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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE STATE OF CALIFORNIA; THE STATE
OF CONNECTICUT; THE STATE OF
DELAWARE; THE DISTRICT OF
COLUMBIA; THE STATE OF HAWAII; THE
STATE OF ILLINOIS; THE STATE OF
MARYLAND; THE STATE OF
MINNESOTA, BY AND THROUGH ITS
DEPARTMENT OF HUMAN SERVICES;
THE STATE OF NEW YORK; THE STATE
OF NORTH CAROLINA; THE STATE OF
RHODE ISLAND; THE STATE OF
VERMONT; THE COMMONWEALTH OF
VIRGINIA; THE STATE OF WASHINGTON,

Plaintiffs,

v.

ALEX M. AZAR, II, IN HIS OFFICIAL
CAPACITY AS SECRETARY OF THE U.S.
DEPARTMENT OF HEALTH & HUMAN
SERVICES, et al.,

Defendants.

Case No. 4:17-CV-05783-HSG

**BRIEF OF *AMICI CURIAE* THE
CENTER FOR REPRODUCTIVE
RIGHTS, THE LAWYERS'
COMMITTEE FOR CIVIL RIGHTS
UNDER LAW, AND TEN CIVIL
RIGHTS ORGANIZATIONS IN
SUPPORT OF PLAINTIFFS MOTION'
FOR SUMMARY JUDGMENT**

Hon. Haywood S. Gilliam, Jr.

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2
3 PLEASE TAKE NOTICE that the Center for Reproductive Rights, the
4 Lawyers' Committee for Civil Rights Under Law, the California Women's Law
5 Center, GLBTQ Legal Advocates & Defenders, LatinoJustice PRLDEF, Lawyers
6 for Civil Rights, Legal Momentum, Legal Voice, the Mississippi Center for Justice,
7 the National Center for Lesbian Rights, Public Counsel, and the Women's Law
8 Project (collectively, "*Amici*") request the Court's leave to file, as
9
10 *amicus curiae*, a brief in support of the Motion for Summary Judgment filed by
11 Plaintiffs on April 30, 2019. *Amici's amicus* brief is attached to this Motion as
12 Exhibit A.
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15 This Motion is based on this Motion, the accompanying Memorandum in
16 support thereof, Exhibit A thereto, the Proposed Order Granting Motion for Leave
17 to Appear as *Amici Curiae* and to File an *Amicus* Brief, the pleadings and other
18 papers on file herein, and such other written and oral argument as may be presented
19 to the Court.
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I. STANDARD

The Court has broad discretion to permit a non-party to participate in an action as *amicus curiae*. See, e.g. *Gerritson v. de la Madrid Hurtado*, 819 F.2d 1511, 1514 n.3 (9th Cir. 1987); see also *Io Grp., Inc. v. Veoh Networks, Inc.*, No. C06-03926 HRL, 2007 WL 2433385, at *1 (N.D. Cal. Aug. 22, 2007) (“The district court has broad discretion to appoint amici curiae.”). *Amici* submit that their brief offers “useful” and “desirable” information meriting “[t]he privilege of being heard [as] amicus.” *In Re Roxford Foods Litig.*, 790 F. Supp. 987, 997 (E.D. Cal. 1991) (citing *United States v. Louisiana*, 751 F. Supp. 608, 620 (E.D. La. 1990)). The proposed *amicus* brief is not duplicative of Plaintiffs’ moving briefs and offers the Court a unique perspective on “legal issues that have potential ramifications beyond the parties directly involved[.]” *Sonoma Falls Dev., LLC v. Nev. Gold & Casinos, Inc.*, 272 F. Supp. 2d 919, 925 (N.D. Cal. 2003) (quoting *Cobell v. Norton*, 246 F. Supp. 2d 59, 62 (D.D.C. 2003)). “District courts frequently welcome amicus briefs” in these circumstances. *Id.*

II. IDENTITY AND INTEREST OF AMICI CURIAE

Amici the Center for Reproductive Rights, the Lawyers’ Committee for Civil Rights Under Law, the California Women’s Law Center, GLBTQ Legal Advocates & Defenders, LatinoJustice PRLDEF, Lawyers for Civil Rights, Legal Momentum, Legal Voice, the Mississippi Center for Justice, the National Center for Lesbian

1 Rights, Public Counsel, and the Women's Law Project are leading national and
2 regional civil rights and equal justice organizations that litigate in state and federal
3 courts to protect constitutional rights for all. *See* descriptions of amici curiae in
4 Appendix A to Exhibit A.
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7 Collectively amici have a shared interest in ensuring that our federal
8 government is held accountable to two basic constitutional obligations: It must
9 afford all people equal treatment under the law and it cannot impose laws that
10 disfavor individuals who seek to exercise their fundamental constitutional rights.
11 Amici submit this brief to urge the Court to consider how the rules challenged in this
12 case violate both of these core constitutional guarantees, and, in so doing, further
13 entrench the systemic and structural barriers to individual self-determination and
14 equal participation in social, political, and economic life experienced by women,
15 including women of color who are disproportionately low-income, and others who
16 face multiple forms of discrimination.
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20 **III. CONCLUSION**

21 For the reasons set forth above, *Amici* respectfully request this Court's leave
22 to file the accompanying amicus brief in support of Plaintiffs' Motion for Summary
23 Judgment.
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25 Dated: May 7, 2019
26

27 By: /s/ Jon Greenbaum
28

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system on May 7, 2019, which will automatically send notification and a copy of the brief to the counsel of record for the parties. I further certify that all parties to this case are represented by counsel of record who are CM/ECF participants.

Dated: May 7, 2019

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